

ENTERED

January 07, 2019

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

JASON T. POSEY,

Defendant.

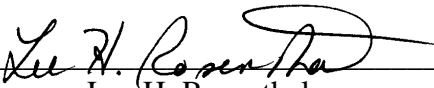
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CRIM. ACTION NO. H-17-116-3

ORDER

Based on the stay and the parties' positions in this case, Jason Posey's sentencing hearing, currently set for January 10, 2019, is continued pending the resolution of John Burns's petition in the Fifth Circuit. Mr. Burns has refused to produce documents and has petitioned the Fifth Circuit for a writ of mandamus seeking to vacate this court's January 2, 2019, order requiring production of those documents. (Docket Entry No. 383). Mr. Posey contends that the documents at issue are or contain confidential communications between him and his then-counsel, Benjamin Wetmore, who is now represented by Mr. Burns. Mr. Posey argues that he, not Mr. Wetmore or Mr. Burns, holds any privilege the communications and documents carry, and that he and his criminal defense counsel, Mr. Philip Hilder, need the communications and documents to prepare for the sentencing. The sentencing hearing is therefore continued pending the appellate court's decision on the petition.

SIGNED on January 7, 2019, at Houston, Texas.



Lee H. Rosenthal
Chief United States District Judge